

REMARKS

Claims 1-26 have been examined. Claims 17-20 and 26 have been rejected under 35 U.S.C. § 112, second paragraph, claims 4 and 6-7, 10-12, 21-24 and 26 have been rejected under 35 U.S.C. § 102(b), and claims 1, 3, 8-9, 13-14, 15-18, 20 and 25 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 2, 5 and 19 contain allowable subject matter.

Preliminary Matters

The Examiner has not acknowledged the drawings filed on September 26, 2001. Accordingly, Applicant respectfully requests that the Examiner indicate whether such drawings are acceptable in the next Office Action.

Applicant has amended the specification to correct minor errors.

Further, Applicant has amended claims 2, 18 and 20 for clarification purposes. Such amendments are not made in view of prior art, do not narrow the scope of the claims.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 17-20 and 26 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner maintains that the phrase "fitting other members" in claim 17 is vague and indefinite. The Examiner also maintains that the term

“method” in claim 26 is vague and indefinite, since claim 26 is an apparatus claim, not a method claim.

Accordingly, Applicant has amended claim 17 by removing the phrase, “welded together when fitting other members”, to reduce any indefiniteness.

Regarding claim 26, Applicant has removed the term “method”, to clarify that claim 26 is not intended to be a method claim, and to remove any potential indefiniteness from the claim.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection.

Rejections under 35 U.S.C. § 102(b)

A. Rejection of claims 4 and 6-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,986,992 to Bardmesser (“Bardmesser”).

1. Claim 4

Applicant submits that claim 4 is patentable over the cited reference. For example, claim 4 recites that a memory device comprises an antenna for transmitting and receiving data. As taught in Bardmesser, data and instructions are communicated to the display controller 8 from the disk drive controller 24 through contacts 22 and electrodes 6 (col. 3, lines 15-23; col. 5, lines 20-23). There is no disclosure of any type of antenna for transmitting or receiving the data to display 4. Therefore, Applicant submits that Bardmesser fails to teach or disclose each and every feature recited in claim 4.

Accordingly, Applicant submits that claim 4 is patentable over the cited reference.

2. Claim 6

Since claim 6 is dependent upon claim 4, Applicant submits that claim 6 is patentable at least by virtue of its dependency.

3. Claim 7

Applicant submits that claim 7 is patentable over the cited reference. For example, claim 7 recites a slider, fitted so as to slide on a bottom surface of a lower half of a cartridge case, for protecting an opening in the bottom surface of the lower half.

The Examiner maintains that Bardmessier discloses such a feature. However, the Examiner has failed to indicate where the claimed slider is taught or disclosed in the reference. Upon review, Applicant submits that Bardmessier fails to disclose such a feature.

In addition, if the Examiner wishes to persist in the rejection, Applicant respectfully requests that he specifically indicate where the claimed slider is taught in the reference.

B. Rejection of claims 10-12, 21-24 and 26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,896,256 to Lang et al. ("Lang").

1. Claim 10

Applicant submits that claim 10 is patentable over the cited reference. For example, claim 10 recites that a cartridge memory is provided in a transparent window. The cartridge memory records information on the recording medium cartridge and information on data recorded on the recording medium.

The Examiner maintains that Lang discloses the above features. However, Applicant submits that the Examiner is misinterpreting and/or misapplying the cited reference. For example, Lang discloses a transparent window 12 for viewing a capacity indicator 10 (Fig. 2; col. 3, lines 50-62). However, capacity indicator 10 fails to teach or even suggest the claimed cartridge memory. For example, capacity indicator 10 includes an indicator needle 16 slidably engaged with guide rail 22 (col. 3, lines 60-65). The window 12 includes indicia 14 for indicating whether disk 3 is empty or full, depending on the placement of indicator needle 16 (col. 3, lines 60-65). Applicant submits that the slidable indicator needle 16 fails to teach or even suggest a cartridge memory which records information on data recorded on a recording medium, as required by claim 10.

Accordingly, Applicant submits that claim 10 is patentable over the cited reference.

2. Claims 11 and 12

Since claims 11 and 12 are dependent upon claim 10, Applicant submits that such claims are patentable at least by virtue of their dependency.

3. Claim 21

Since claim 21 contains features which are similar to the features recited in claim 10, Applicant submits that claim 21 is patentable over the cited reference for reasons which are similar to the reasons presented above.

4. Claims 22-24 and 26

Since claims 22-24 and 26 are dependent upon claim 21, Applicant submits that such claims are patentable over the cited reference at least by virtue of their dependency.

Rejections under 35 U.S.C. § 103(a)

A. Rejection of claims 8-9 and 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Lang.

1. Claim 8

Applicant submits that claim 8 is patentable over the cited reference. For example, claim 8 recites that the slider is slidable in a front to rear direction.

Since the cover plate 6 of Lang only slides in a right to left direction, Applicant submits that Lang fails to teach or disclose the above feature.

Claim 8 further recites that a cartridge memory is provided in the slider which records information on the recording medium cartridge and information on data recorded on the recording medium.

The Examiner maintains that capacity indicator 10 discloses the claimed memory, and that the reference teaches that indicator 10 can be located anywhere on cartridge 3 (pg. 4 of the Office Action; citing col. 5, lines 55-58 of Lang). However, as stated in Applicants comments for claim 10, Lang fails to teach or disclose the claimed memory. In addition, even assuming *arguendo* that indicator 10 discloses the claimed memory, the reference still does not teach or suggest providing indicator 10 in cover plate 6, because such placement would hinder the sliding capability of the feature.

Accordingly, Applicant submits that claim 8 is patentable over the cited reference.

2. Claim 9

Since claim 9 is dependent upon claim 8, Applicant submits that such claim is patentable at least by virtue of its dependency.

3. Claim 15

Since claim 15 contains features which are similar to the features recited in claim 8, Applicant submits that claim 15 is patentable for at least similar reasons as presented above.

4. Claim 16

Applicant submits that claim 16 is patentable over the cited reference. For example, claim 16 recites that the cartridge memory is disposed in a position facing to a space between two pieces of windings of a magnetic tape, which is defined as a recording medium. The two pieces of windings are provided on a rear surface side of the upper and lower halves of the case body.

The Examiner has failed to specifically indicate where the above features are taught or disclosed in Lang. In particular, the Examiner has failed to state where Lang discloses the positioning of a cartridge memory, which faces to a space between two pieces of windings of a magnetic tape. Applicant submits that Lang does not teach or suggest the claimed memory, or the positioning of the claimed memory.

If the Examiner wishes to persist in this rejection, Applicant respectfully requests that the Examiner specifically point out where such features are disclosed in Lang.

5. Claim 17

Since claim 17 contains features which are similar to the features recited in claim 8, Applicant submits that claim 17 is patentable for at least similar reasons as presented above.

6. Claim 18

Since claim 18 is dependent upon claim 17, Applicant submits that such claim is patentable at least by virtue of its dependency.

B. Rejection of claims 13-14, 20 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Lang in view of Bardmesser.

1. Claim 13

Since claim 13 is dependent upon claim 10, and Bardmesser fails to cure the deficient teachings of Lang, Applicant submits that claim 13 is patentable at least by virtue of its dependency.

In addition, the Examiner refers to the rejection of claim 9 to show that Bardmesser discloses a notch formed in a sheet positioning rib. However, claim 9 was not rejected in view of Bardmesser. Rather, it was rejected in view of Lang, on pages 6 and 7 of the Office Action.

Further, if the Examiner wishes to persist in this rejection, Applicant respectfully requests that the Examiner specifically indicate where the claimed notch and sheet positioning rib are disclosed in Bardmesser.

2. Claim 14

Since claim 14 is dependent upon claim 10, and Bardmesser fails to cure the deficient teachings of Lang, Applicant submits that claim 14 is patentable at least by virtue of its dependency.

3. Claim 20

Since claim 20 is dependent upon claim 17, and Bardmessner fails to cure the deficient teachings of Lang, Applicant submits that claim 20 is patentable at least by virtue of its dependency.

4. Claim 25

Since claim 25 is dependent upon claim 21, and Bardmessner fails to cure the deficient teachings of Lang, Applicant submits that claim 25 is patentable at least by virtue of its dependency.

C. Rejection of claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Bardmesser in view of Lang.

Regarding the rejection of claims 1 and 3, Applicant notes to the Examiner, that pages 6 and 7 of the Office Action discuss features which are not recited in either of the claims (i.e. a slider).

Nevertheless, Applicant submits that the combination of Bardmessner and Lang fail to teach or suggest the features which are recited in the claims. For example, claim 1 recites that a non-contact type memory device is disposed in a reel of at least one of an upper and lower flange of a tape reel.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/888,446

Regarding Bardmesser, the Examiner acknowledges that the reference does not disclose that a memory device is disposed in a reel. In addition, Applicant submits that Lang fails to teach or disclose such a feature. In particular, Lang fails to disclose any type of reel at all. Therefore, Applicant submits that claim 1 is patentable over the combination of the cited references.

If the Examiner wishes to persist in this rejection, Applicant respectfully requests that the Examiner specifically indicate where the above feature is disclosed in Lang.

Since claim 3 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

Allowable Subject Matter

As stated above, the Examiner has indicated that claims 2, 5 and 19 contain allowable subject matter.

Newly Added Claim

Applicant has added claim 27 to provide more varied protection for the present invention.

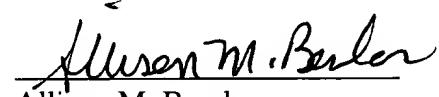
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/888,446

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Allison M. Bowles
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 3, 2003